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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

COPY

In the Matter of
Section 63.71 Application of
Fusion Cloud Services, LLC

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)

WC Docket No. _____

SECTION 63.71 APPLICATION

Fusion Cloud Services, LLC (“Fusion Cloud”)¹ hereby seeks authorization, pursuant to Section 214(a) of the Communications Act of 1934, as amended (the “Act”), 47 U.S.C. § 214, and Section 63.71 of the Federal Communications Commission’s (“Commission”) Rules, 47 C.F.R. § 63.71, to discontinue the provision of certain copper-based DS-1, DSL and “POTS”² voice and data services (collectively, the “Services”) provided to two wholesale customers (the “Carrier-Customers”) in three or more of the following states: Florida, Georgia, North Carolina, South Carolina and Tennessee (the “Impacted States”).³

Fusion Cloud provides a wide range of communications services to business customers throughout the United States, including unified communications; digital voice and data communications services, for example hosted Voice over Internet Protocol and Session Initiated Protocol trunking; broadband Internet access service; data networks; cloud-based services; other enhanced communications services and features; and traditional voice solutions. Fusion Cloud

¹ The FCC Registration Number (“FRN”) for Fusion Cloud is 0005044375.

² “Plain Old Telephone Service”

³ One Carrier-Customer receives the Services in all of the Impacted States; the other Carrier-Customer receives the Services in Florida, Georgia and Tennessee.

holds domestic Section 214 authority pursuant to operation of law⁴ and provides international section 214 services pursuant to the authority of its parent, Fusion Connect, Inc.⁵

Due to a substantial increase in the price of various legacy services purchased by Fusion Cloud from incumbent local exchange carriers (“ILECs”), Fusion Cloud has determined that it is no longer economically viable to purchase the underlying services required from the ILECs and sell the Services to wholesale customers (the “Carrier Customers”) in the Impacted States. As a result, earlier this year, Fusion Cloud advised the Carrier-Customers receiving the Services in the Impacted States that it would be shutting down its network in the Impacted States and began discussions with those Carrier-Customers regarding the migration of the Services to an alternative wholesale offering. In the course of those discussions, two of the Carrier Customers advised Fusion Cloud that they did not want to move to the alternative services offered by Fusion Cloud and would secure replacement services from other sources. These Carrier-Customers collectively purchase approximately sixty (60) circuits from Fusion Cloud across the Impacted States. Inasmuch as Fusion Cloud’s deadline for shutting down its network in the Impacted States is nearing and the Carrier-Customers have not yet migrated the Services to an alternative service provider, Fusion Cloud submits this request for approval to discontinue the Services. The scope and effect of this discontinuance upon the competitive interstate telecommunications market will be minimal. As noted, Fusion Cloud provides a very limited volume of Services to these Carrier-Customers. Moreover, the Carrier-Customers and their end-user customers in the Impacted States will not be unduly harmed by the discontinuance of the Services because they have access to alternative providers, including the incumbent local exchange carrier and other competitive wholesale services providers.

⁴ 47 C.F.R. § 63.01.

⁵ File No. ITC-214-19971001-00592; FCC Filer ID 825160.

Fusion Cloud provides the following information pursuant to Section 63.71 of the Commission's Rules:


1. Name and Address of Carrier: Fusion Cloud Services, LLC is located at 210 Interstate North Parkway, Suite 200, Atlanta, GA 30339.
2. Date of Planned Service Discontinuance, Reduction or Impairment: Subject to receipt of required regulatory approvals, **Fusion Cloud plans to discontinue the Services on or about June 1, 2022.** Fusion Cloud understands that this Application will be automatically granted on the 31st day after public notice of filing unless the Commission notifies Fusion Cloud to the contrary.
3. Points of Geographic Areas of Service Affected: Fusion Cloud proposes to discontinue the Services to the Carrier-Customers in the following states: Florida, Georgia, North Carolina, South Carolina and Tennessee.
4. Brief Description of Type of Service Affected: The Services consists of wholesale copper-based DS-1, DSL and POTS services, provided to the Carrier-Customers in the Impacted States.
5. Brief Description of the Dates and Methods of Notice to All Affected Customers: Fusion Cloud notified the Carrier-Customers of the proposed discontinuance of the Services by letters sent, via UPS, on March 24, 2022, thus providing the Carrier-Customers with well more than the minimum thirty days' notice required under Commission rules. A sample of the notice sent to the Carrier-Customers, which complies with the requirements of 47 C.F.R. § 63.71, is attached.

6. Whether the Carrier Is Considered Dominant or Non-Dominant with Respect to the Service to Be Discontinued, Reduced or Impaired: Fusion Cloud is considered non-dominant with respect to the Services.

In accordance with Section 63.71 of the Commission's Rules and concurrent with the filing of this Application, a copy of this Application is being mailed to the Special Assistant for Telecommunications for the Secretary of Defense and to the Governor and the public utility commission for each of the Impacted States.

Additional questions regarding this Application should be addressed to the undersigned.

Respectfully submitted,

By: 

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Counsel for Fusion Cloud Services, LLC

Dated: April 14, 2022

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Section 63.71 Application was served this 14th day of April, 2022 by mailing true and correct copies thereof, postage prepaid, to the following persons at the addresses listed below.

Office of Governor Ron DeSantis State of Florida The Capitol 400 S. Monroe St. Tallahassee, FL 32399-0001	Secretary Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850
Governor Brian P. Kemp 206 Washington Street 111 State Capitol Atlanta, GA 30334	Mr. Reece McAlister Executive Secretary Georgia Public Service Commission 244 Washington Street, SW Atlanta GA, 30334-9052
Governor Roy Cooper North Carolina Office of the Governor 20301 Mail Service Center Raleigh, NC 27699-0301	North Carolina Utilities Commission 4325 Mail Service Center Raleigh, NC 27699-4300
The Honorable Henry McMaster State House 1100 Gervais Street Columbia, South Carolina 29201	South Carolina Public Service Commission 101 Executive Center Dr # 100 Columbia, SC 29210
Governor Bill Lee 1st Floor, State Capitol Nashville, TN 37243 (615) 741-2001	Tennessee Public Utility Commission 502 Deaderick Street 4th Floor Nashville, TN 37243
Secretary of Defense Attn: Special Assistant for Telecommunications Pentagon Washington, D.C. 20301	

Wanda H. Evans



210 Interstate North Parkway, Suite 200
Atlanta, Georgia 30339
www.fusionconnect.com

March 24, 2022

[Carrier-Customer]
[Address]
[City, State Zip]

Acct Nos. (See attached Schedule 1)

**IMPORTANT NOTICE:
DISCONTINUANCE OF WHOLESALE COPPER-BASED DS-1, DSL
AND POTS SERVICES
PROVIDED BY FUSION CLOUD SERVICES
IN THE STATES OF
FLORIDA, GEORGIA, NORTH CAROLINA, SOUTH CAROLINA AND TENNESSEE
SCHEDULED FOR JUNE 1, 2022**

Dear [Carrier-Customer]:

Fusion Cloud Services, LLC (“we” or “us” or “our”) regrets to inform you that, starting at noon on June 1, 2022 (the “Service Termination Date”), we will be discontinuing the provision of all of the copper-based DS-1, DSL and POTS services that you purchase from us in any of our central offices located in the states of **Florida, Georgia, North Carolina, South Carolina and Tennessee**, which services can only be migrated to **AT&T resale services** (the “Affected Locations”).¹ The specific accounts impacted are listed in Schedule 1 hereto. The discontinuance of services at the Affected Locations is occurring due to changing economic conditions and the fact that the current costs to provide services from the associated central offices is no longer economically viable (see the section titled “Network Audit” in your wholesale contract with us).

In order to avoid a disruption in your customers’ services at the Affected Locations, you must make arrangements to transition all of those services to a new wholesale service provider before the Service Termination Date.

If you do not arrange to transition your end user customers to a new underlying service provider prior to the Service Termination Date, your end user customers will experience a loss of service. **Specifically, if you currently resell our voice service at the Affected Location, your customers will be unable to make local calls, including 911 emergency calls and will lose any long distance service that they currently enjoy.** Your customers will also lose any data services that they may have at the Affected Locations.

1. **For Affected Locations in North Carolina**, effective with this notice and pursuant to state law, we will no longer make changes to, reconnect or accept new orders for the service to be discontinued.

We urge you not to delay in arranging for new underlying services with a new wholesale service provider. As you know, some carriers may require several weeks or months to install new services.²

We value you as an industry partner and we remain committed to ensuring that your service transition is as smooth as possible. If you have any further questions regarding the discontinuance of our wholesale services at the Affected Locations, please contact Customer Service at (888) 635-2221.

Sincerely,

Fusion Cloud Services, LLC

The Federal Communications Commission requires us to provide you with the following notice:

The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments as soon as possible, but no later than 15 days after the Commission releases public notice of the proposed discontinuance. You may file your comments electronically through the FCC's Electronic Comment Filing System using the docket number established in the Commission's public notice for this proceeding, or you may address them to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, Washington, DC 20554, and include in your comments a reference to the § 63.71 Application of **Fusion Cloud Services, LLC**. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service.

2. This notice also puts recipient wholesale customer on notice, unless they make adequate alternative arrangements to ensure uninterrupted services to their end-user customers, as to the need for timely compliance with their obligations pursuant to the applicable service discontinuance-related regulations in each state (*e.g.*, in North Carolina, the NCUC's Rule 21-4; in Tennessee, the PUC's Rule 12-20-04-02-.40).